CITY of DULUTH PROJECT SPECIFICATIONS

2014 EAST SKYLINE PARKWAY STORM SEWER IMPROVEMENTS

City of Duluth, MN 411 West 1st St. Duluth, MN 55802

City Project #: 1371

Bid # 14-0428

Opening Date: July 2, 2014

Time: 2:00 P.M.

Place: Room 106A

CITY OF DULUTH INVITATION TO BID (ENG)

PROJECT NAME/DESCRIPTION: 2014 East Skyline Parkway Storm Sewer Improvements

PROJECT NUMBER: 1371

BID NUMBER: 14-0428

Sealed bids will be received by the City Purchasing Agent in and for the Corporation of the City of Duluth, Minnesota, at his office, Room 100 City Hall, Duluth, Minnesota, 55802, (218) 730-5340 until 2:00 PM local time on July 2, 2014 for the above named project. Immediately thereafter, bids will be taken to room 106A City Hall, where they will be publicly opened and read aloud.

NOTICE TO BIDDERS:

- A Project Labor Agreement (PLA) will be required for any bid that is over or could virtually go over \$150,000.
- 2. Unless a Certificate of Exemption is provided, any out-of-state bidder receiving a bid award will have 8% retained from invoice payments on any contracts over \$50,000. Submit a signed copy from the State of Minnesota when submitting Payment and Performance Bonds. This form may be found at the following web address: http://taxes.state.mn.us/Forms and Instructions/sde.pdf

Scope of Work: This work includes replacement of storm sewer and culvert pipes on East Skyline Parkway between Kenwood Avenue and Chester Creek.

Questions pertaining to this project should be directed to: Tom Pfeffer, City of Duluth, 218-730-5104

Each bidder must review the 2013 edition of the City of Duluth Public Works/Utilities Department – Engineering Division Standard Construction Specifications on the city website (www.duluthmn.gov) as these Specifications are incorporated by reference and deemed to be a part hereof this project as if fully incorporated and set forth herein.

Plans and specifications may be secured from the City Engineering office, Room 211 City Hall, 411 West 1st St., Duluth, MN 55802, or downloaded from the City of Duluth website free of charge.

Plans and specifications are on file for inspection at the City Engineering office, Duluth Builders Exchange, F.W. Dodge Plan Room, Minneapolis Builders Exchange and St. Paul Builders Exchange.

A certified check or bank draft, payable to the order of the City of Duluth, negotiable U.S. Government Bonds (at par value), or a satisfactory bid bond executed by the bidder and acceptable surety, in an amount equal to five per cent (5%) of the total bid, shall be submitted with each bid.

Attention is called to the fact that not less than the minimum salaries and prevailing wages as set forth in the contract documents must be paid on this project. The contractor must take affirmative action to ensure that the employees and applicants for employment are not discriminated against because of their race, color, creed, sex or national origin, and must meet the affirmative action goals. Contractors are encouraged to subcontract with Disadvantaged Business Enterprises when possible.

Contractor will comply with all applicable Equal Employment Opportunity laws and regulations.

The City of Duluth is an Equal Opportunity employer.

CITY OF DULUTH

Date posted to web: 06/17/14

Dennis Sears Purchasing Agent

SPECIAL PROVISIONS Job Number: 1371 2014 East Skyline Parkway Storm Sewer Improvements June 16, 2014

SPECIFICATIONS SIGNATURE PAGE

I HEREBY CERTIFY THAT THIS PLAN, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Zumfin	THOMAS M. PFEFFER
Signature	Typed or Printed Name
6-16-14	22442
Date	License No.

SPECIAL PROVISIONS Job Number: 1371 2014 East Skyline Parkway Storm Sewer Improvements June 16, 2014

Table of Contents

SP-1	Scope of Work	5
SP-2	Governing Specifications	5
SP-3	(1702) Permits	5
SP-4	(1806) Determination and Extension of Contract Time	5
	(2105) Ditch Excavation and Grading	
SP-6	(2506) Reconstruct Manhole	5
	(3138) Aggregate for Surface and Base Courses	
	(3149) Granular Material	

Instructions to Bidders – Engineering 6/02/10
Project Insurance Requirements 2/16/11
Data for Labor Cost Bidding
Prevailing Wage Rate(s): USDOL Heavy 01/03/14
USDOL Highway 01/03/14

Request for Bids form

SPECIAL PROVISIONS Job Number: 1371 2014 East Skyline Parkway Storm Sewer Improvements June 16, 2014

The following forms and regulations/rules/statutes and interpretations, which are incorporated by reference in this contract, are available on the World Wide Web at the sites listed below. The City of Duluth will use its best efforts to ensure that the most recent, applicable forms and regulations/rules/statutes and interpretations are included on the web sites provided; however, if you are the successful bidder, prior to signing the contract, <u>you are responsible</u> for comparing the versions of the forms and regulations/rules/statutes and interpretations attached to the contract which you are signing with the versions on the web to ensure conformity.

THE VERSIONS OF THE FORMS AND REGULATIONS/RULES/STATUTES and INTERPRETATION ATTACHED TO THE CONTRACT WILL BE CONTROLLING. HARD COPIES OF ALL FORMS ARE AVAILABLE AT THE ENGINEERING DIVISION, EXCEPT THE NON-COLLUSION AND AFFIRMATIVE ACTION POLICY STATEMENT, WHICH ARE AVAILABLE AT THE CITY OF DULUTH PURCHASING DEPARTMENT.

Item listing from web:

FORM	WEB SITE
Affidavit of Non-Collusion (required by awarded contractor only)	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
Affirmative Action Policy Statement/Certificate - EEO (required by awarded contractor only)	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
Bidder's Label for submitting project bids	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
Certified Payroll Form WH347 (front side only)	www.dol.gov/whd/forms/WH347.pdf
Contractor's Haul Route	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
Debarment/Suspension Notice (most current version)	www.dot.state.mn.us/pre-letting/prov/order/suspension.pdf
IC-134 form	http://www.revenue.state.mn.us/Forms_and_Instructions/ic13 4.pdf
IC-134 on-line submittal	https://www.mndor.state.mn.us/tp/contractoraffidavit/ /#1
MN Rules 5200.1105 & .1106	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
MN Statutes 177.41 to 177.44	www.revisor.mn.gov/statutes/?id=177
Notice to Bidders Prompt Payment to Subs	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
One-Call Instructions	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
Purchasing Division General Specifications	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
Request to Sublet TP-21834 (5-12-09)	http://www.duluthmn.gov/engineering/standard-construction- specifications/construction-documents/
Statement of Compliance Form (12-10)	www.dot.state.mn.us/const/labor/forms.html
Supplemental General Conditions Part II 4/15/11	http://www.duluthmn.gov/engineering/standard-construction-specifications/construction-documents/

SPECIAL PROVISIONS

Job Number: 1371

2014 East Skyline Parkway Storm Sewer Improvements June 16, 2014

NOTICE TO ALL BIDDERS:

The City of Duluth Public Works & Utilities Department – Engineering Division 2013 Edition Standard Construction Specifications book and any addendums or supplements is incorporated by reference and is deemed to be a part hereof as if fully incorporated and set forth herein. The Standard Construction Specification is available on the City website at: http://www.duluthmn.gov/engineering/standard-construction-specifications/.

SP-1 SCOPE OF WORK

This work includes replacement of storm sewer and culvert pipes on East Skyline Parkway between Kenwood Avenue and Chester Creek.

SP-2 GOVERNING SPECIFICATIONS

Section S-11.A Governing Specifications of the City of Duluth Engineering Standard Specifications is replaced with the following:

A. The 2014 Edition of the Minnesota Department of Transportation 'Standard Specifications for Construction' and the 2014 Edition of the 'Materials Lab Supplemental Specifications for Construction'.

SP-3 (1702) PERMITS

The work under these projects is subject to the provisions and/or restrictions of the following permits:

A. City of Duluth, Erosion and Sediment Control Permit (no cost to Contractor)

SP-4 (1806) DETERMINATION AND EXTENSION OF CONTRACT TIME

The Contract Time will be determined in accordance with the provisions of MN/DOT 1806 and the following:

- SP-4.1 Construction operations shall be started on or before **July 14, 2014** or within ten (10) calendar days after the date of award by City Council resolution, whichever is later; however, the Notice to Proceed letter will be the official authorization to commence construction operations.
- SP-4.2 All work required under this Contract shall be completed by **August 1, 2014.**

SP-5 (2105) DITCH EXCAVATION AND GRADING

This work shall include ditch excavation and grading to improve surface drainage in accordance with MN/DOT 2105.

SP-5.2 Measurement and Payment

The Engineer will measure ditching completed at the direction of the Engineer by the linear feet along the flow line of the ditch bottom. Payment will be made under Bid Item 2105.603 Ditching at the contract unit price per linear foot, which shall be compensation in full for all costs to complete the work, including, but not be limited to, excavation, fine grading and disposal of materials.

SP-6 (2506) RECONSTRUCT MANHOLE

This work shall consist of reconstructing the storm manhole to allow for connection of replacement pipe in accordance with MN/DOT 2506.

SP-6.2 Measurement and Payment

The Engineer will measure reconstructed manhole by the number constructed. Payment will be made under Bid Item 2506.602 Reconstruct Manhole at the contract unit price per each, which shall be compensation in full for all costs to repair and/or reconstruct the manhole resulting from reconnecting the pipe. The work shall

SPECIAL PROVISIONS

Job Number: 1371

2014 East Skyline Parkway Storm Sewer Improvements June 16, 2014

include, but not be limited to, excavation, bypass pumping, masonry block and/or structural concrete, curing and finishing concrete, plus all necessary labor and equipment to complete the work.

SP-7 (3138) AGGREGATE FOR SURFACE AND BASE COURSES

NEW WRITEUP 10/14/13

SP2014-228.1: MN/DOT 3138 is hereby modified as follows:

Replace Table 3138-2 with the following:

Table 3138-2				
Quality Requirements for Recycled Materials				
Requirement Classes 1, 3, 4, 5, 5Q and 6				
Maximum Bitumen Content of Composite	3.5%			
Maximum Masonry block %	10%			
Maximum percentage of glass *	10%			
Maximum size of glass *	¾ in [19 mm]			
Crushing (Class 5, 5Q and 6)	10% for Class 5 and 5Q †			
	15% for Class 6 †			
Maximum amount of Brick	1.0% #			
Maximum amount of Other Objectionable Materials				
including but not limited to: wood, plant matter,	0.3% #			
plastics, plaster & fabric.				
* Glass must meet certification requirements on the Grading and Base website.				
Combine glass with other aggregates during the crushing operation.				
† If material ≥ 20% (RAP + Concrete), Class 5 and 5Q crushing requirements are met.				
† If material ≥ 30% (RAP + Concrete), Class 6 crushing requirement is met.				
Material crushed from quarries is considered crushed material.				
# The Contractor/Supplier may not knowingly allow brick and other objectionable				
material and must employ a QC process to screen it out, before it becomes				
incorporated into the final product.				

SP-8 (3149) GRANULAR MATERIAL

NEW WRITEUP 03/12/14

SP2014-228.2: MN/DOT 3149 is hereby modified as follows:

Replace MN/DOT 3149.2B with the following:

B Granular and Select Granular Materials

Provide granular materials meeting the requirements of Table 3149-1.

	Table 3149-1 Granular Material Requirements			
% Passing Ratio Ratio No. 40/No. 10 [75 μm/25 mm] % Passing Ratio No. 40/No. 10 [425 μm/2.0 mm] [75 μm/2.0 mm]				
1	Granular Material	0 – 20%	Not Applicable	Not Applicable
2	Select Granular Material	0 – 12%	Not Applicable	Not Applicable
3	Select Granular Material (Super Sand)	Not Applicable	0 - 65%	0 – 10%
4	Select Granular Material Modified 10%	0 – 10%	Not Applicable	Not Applicable

City of Duluth Indemnification & Insurance Requirements

(Updated February 16, 2011)

(Please Be Sure These Requirements Can Be Met before Submitting Your Response)

INDEMNIFICATION CLAUSE

The Contractor will defend, indemnify and save the City harmless from all costs, charges, damages, and loss of any kind that may grow out of the matter covered by this contract. Said obligation does not include indemnification of the City for claims of liability arising out of the sole negligent or intentional acts or omissions of City but shall include but not be limited to the obligation to defend, indemnify and same harmless the City in all cases where claims of liability against the City arise out of acts or omissions of City which are derivative of the negligence or intentional acts or omissions of Contractor such as, and including but not limited to, the failure to supervise, the failure to warn, the failure to prevent such act or omission by Contractor and any other such source of liability. In addition, Contractor will comply with all local, state and federal laws, rules and regulations applicable to this contract and to the work to be done and things to be supplied hereunder.

INSURANCE

- a. Contractor shall provide the following minimum amounts of insurance from insurance companies authorized to do business in the state of Minnesota, which insurance shall indemnify Contractor and City from all liability described in the paragraph above, subject to provisions of subparagraph below.
 - (1) Worker's compensation in accordance with the laws of the state of Minnesota.
 - (2) Public Liability and Automobile Liability Insurance with limits not less than \$1,500,00 Single Limit, and twice the limits provided when a claim arises out of the release or threatened release of a hazardous substance; shall be in a company approved by the city of Duluth; and shall provide for the following: Liability for Premises, Operations, Completed Operations, Independent Contractors, and Contractual Liability.
 - (3) City of Duluth shall be named as **Additional Insured** under the Public Liability, Excess/Umbrella Liability* and Automobile Liability, or as an alternate, Contractor may provide Owners-Contractors Protective policy, naming itself and the City of Duluth. Contractor shall also provide evidence of Statutory Minnesota Worker's Compensation Insurance. Contractor to provide Certificate of Insurance evidencing such coverage with 30-days notice of cancellation, non-renewal or material change provisions included. The City of Duluth does not represent or guarantee that these types or limits of coverage are adequate to protect the Contractor's interests and liabilities.

- *An umbrella policy with a "following form" provision is acceptable if written verification is provided that the underlying policy names the City of Duluth as an additional insured.
- (4) If a certificate of insurance is provided, the form of the certificate shall contain an unconditional requirement that the insurer notify the City without fail not less than 30 days prior to any cancellation, non-renewal or modification of the policy or coverages evidenced by said certificate and shall further provide that failure to give such notice to City will render any such change or changes in said policy or coverages ineffective as against the City.
- (5) The use of an "Acord" form as a certificate of insurance shall be accompanied by two forms 1) ISO Additional Insured Endorsement (CG-2010 pre-2004) and 2) Notice of Cancellation Endorsement (IL 7002) or equivalent, as approved by the Duluth City Attorney's Office.
- b. The insurance required herein shall be maintained in full force and effect during the life of this Agreement and shall protect Contractor, its employees, agents and representatives from claims and damages including but not limited to personal injury and death and any act or failure to act by Contractor, its employees, agents and representatives in the negligent performance of work covered by this Agreement.
- c. Certificates showing that Contractor is carrying the above described insurance in the specified amounts shall be furnished to the City prior to the execution of this Contract and a certificate showing continued maintenance of such insurance shall be on file with the City during the term of this Contract.
- d. The City shall be named as an additional insured on each liability policy other than the workers' compensation policies of the Contractor.
- e. The certificates shall provide that the policies shall not be changed or canceled during the life of this Contract without at least 30 days advanced notice being given to the City.
- f. Contractor shall be required to provide insurance meeting the requirements of this Paragraph unless Contractor successfully demonstrates to the satisfaction of the City Attorney, in the exercise of his or her discretion, that such insurance is not reasonably available in the market. If Contractor demonstrates to the satisfaction of the City Attorney that such insurance is not reasonably available, the City attorney may approve an alternative form of insurance which is reasonably available in the market which he or she deems to provide the highest level of insurance protection to the City which is reasonably available.

Procedure verified by:

Don Douglas, Claims Adjuster

Duluth City Attorney's Office

Date 9/20/12

PRE-2004 CG 2010

A. Section II - Who Is an Insured is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of your ongoing operations performed for that insured.

NOTICE OF CANCELLATIONS ENDORSEMENT

IL-7002 (10-90)

All Coverage Parts included in this policy are subject to the following condition: If we cancel this policy for any reason other than non-payment of premium, we will mail advance notice to the person(s) or organization(s) as shown in the Schedule.

Schedule

Person or Organization Advance Notice (Name and Address) (Days)

City of Duluth Purchasing Division Room 100 City Hall 411 West First Street Duluth, MN 55802 30

DATA FOR LABOR COST BIDDING

NOTE:

Wage Decisions are subject to change due to lock-in rules and revisions near the bid opening.

Project No.: 1371

Name: 2014 East Skyline Parkway Storm Sewer Improvements

This project is funded by:

City of Duluth

The base workweek may be:

Five 8-hour days

OR / OT on all Hours after 40 per week

Four 10-hour days

with OT on daily hours exceeding either

The project DOES NOT contain a project labor agreement (PLA).

Should a project contain a project labor agreement:

- 1) Union scale may **not** be reflected in the prevailing wage schedule(s)
- 2) Note Article II Section 10 for trucking labor costs

City of Duluth funding only:

<u>Each</u> certified payroll <u>must indicate the base workweek</u> on the accompanying MnDOT Statement of Compliance form and beside each employee's name when his/her hours differ from the normal base workweek, if applicable.

OVERTIME REQUIREMENTS:

For projects funded by the City of Duluth: overtime must be paid on daily hours worked in excess of the base daily hours. Contractors (including sub-contractors) are not allowed to pay overtime solely on hours in excess of forty per week.

The overtime rate must be paid at NO LESS than the rate of pay as established in the project's wage decision multiplied by one and one-half OR the base rate the employee is being paid if it is higher than the wage decision base rate.

Project Prevailing Wage Decision: U S DOL Heavy 01/03/14

U S DOL Highway 01/03/14

General Decision Number: MN140105 01/03/2014 MN105

Superseded General Decision Number: MN20130105

State: Minnesota

Construction Type: Heavy

County: St Louis County in Minnesota.

HEAVY CONSTRUCTION PROJECTS

Modification Number Publication Date

01/03/2014

BOIL0647-004 01/01/2013

	Rates	Fringes
BOILERMAKER	\$ 32.40	25.37
CARP0361-020 07/11/2011		

ST LOUIS COUNTY (Southern 1/3 including Cotton, Floodwood, Fond Du Lac, and Proctor)

	Rates	Fringes
CARPENTER (Including Form Work)	\$ 31.07	15.80
CARP0361-021 07/11/2011		

ST LOUIS (Duluth)

	Rates	Fringes
CARPENTER (Including Form		
Work)\$	31.47	15.80
CARP0606-010 05/01/2011		

ST LOUIS COUNTY (Northeast 2/3 including Cook, Cusson, Ely; and Western part including Chisholm, Greaney, and Orr)

	Rates	Fringes
CARPENTER (Including Form Work)	.\$ 31.07	15.80
ELEC0242-012 06/02/2013		

ST. LOUIS (South part bounded on the north by the north line of Kelsey Township extended east & west)

	Rates	Fringes
ELECTRICIAN	\$ 31.91	23.60

ELEC0294-006 06/02/2013

ST. LOUIS (North part bounded on the south by the south line of Ellsburg Township, extended east & west)

	Rates	Fringes	
ELECTRICIAN	\$ 33.12	24.29	
ENGI0049-064 05/01/2013			

	:	Rates	Fringes
OPERATOR:	Power Equipment		
Group	2\$	32.22	16.70
Group	3\$	31.67	16.70
Group	4\$	31.37	16.70
Group	5\$	28.33	16.70
Group	6\$	27.12	16.70

POWER EQUIPMENT OPERATOR CLASSIFICATIONS

- GROUP 2: Crane with over 135' Boom, excluding jib; Dragline & Hydraulic Backhoe with shovel-type controls, 3 cubic yards and over; Grader/Blade finishing earthwork and bituminous.
- GROUP 3: Dragline & Hydraulic Backhoe with shovel-type controls up to 3 cubic yards; Loader 5 cu yd and over; Mechanic; Tandem Scraper; Truck Crane; Crawler Crane
- GROUP 4: Bituminous Roller 8 tons & over; Crusher/Crushing Plant; Drill Rig; Elevating Grader; Loader over 1 cu yd; Grader; Pump; Scraper up; to 32 cu yd; Farm Tractor with Backhoe attachment; Skid Steer Loader over 1 cu yd with Backhoe attachment; Bulldozer over 50 hp.
- GROUP 5: Bituminous Roller under 8 tons; Bituminous Rubber Tire Roller; Loader up to 1 cu yd; Bulldozer 50 hp or less.
- GROUP 6: Oiler; Self-Propelled Vibrating Packer 35 hp and over.

CRANE OVER 135' BOOM, EXCLUDING JIB - \$.25 PREMIUM; CRANE OVER 200' BOOM, EXCLUDING JIB - \$.50 PREMIUM

UNDERGROUND WORK:

UNNELS, SHAFTS, ETC. - \$.25 PREMIUM UNDER AIR PRESSURE - \$.50 PREMIUM

HAZARDOUS WASTE PROJECTS (PPE Required):

LEVEL A - \$1.25 PREMIUM LEVEL B - \$.90 PREMIUM LEVEL C - \$.60 PREMIUM		
IRON0512-028 06/09/2013		
	Rates	Fringes
IRONWORKER, STRUCTURAL AND REINFORCING		22.05
* LABO1091-006 05/01/2012		
ST LOUIS (South of T. 55 N)		
	Rates	Fringes
LABORERS (1) Common or General (2) Mason Tender		15.33
Cement/Concrete		12.94 15.33
* LAB01091-007 05/01/2009		
SOUTHERN ST. LOUIS COUNTY		
	Rates	Fringes
LABORER Common or General (Natural Gas Pipeline only)		
* LABO1097-002 05/01/2009		
NORTHERN ST. LOUIS COUNTY		
	Rates	Fringes
LABORER Common or General (Natural Gas Pipeline only)	\$ 16.70	10.49
* LABO1097-005 05/01/2012		
ST LOUIS (North of T. 55 N)		
	Rates	Fringes
LABORERS (1) Common or General	\$ 24.26	17.21
Cement/Concrete		17.21 17.21

PLAS0633-036 05/01/2012

ST. LOUIS COUNTY (North of T 55N)

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER\$	\$ 26.71	14.64
PLAS0633-039 05/01/2012		
ST. LOUIS COUNTY (South of T 55N)		
	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER\$	32.78	16.80
TEAM0160-018 05/01/2013		
	Rates	Fringes
TRUCK DRIVER (DUMP) (1) Articulated Dump Truck\$ (2) 3 Axles/4 Axles; 5 Axles receive \$0.30	26.85	14.45
additional per hour\$ (3) Tandem Axles; & Single Axles\$		14.45
SUMN2009-072 09/28/2009		
	Rates	Fringes
LABORER: Landscape\$	12.88	4.61
WELDERS - Receive rate prescribed operation to which welding is inci	dental.	-
Unlisted classifications needed fo		

the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

WAGE DETERMINATION APPEALS PROCESS

- 1.) Has there been an initial decision in the matter? This can be:
- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour

Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations Wage and Hour Division U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION

General Decision Number: MN140001 01/03/2014 MN1

Superseded General Decision Number: MN20130001

State: Minnesota

Construction Type: Highway

Counties: Carlton, Cook, Itasca, Koochiching, Lake, Pine and

St Louis Counties in Minnesota.

HIGHWAY CONSTRUCTION PROJECTS

Modification Number Publication Date

0

01/03/2014

* SUMN2010-001 10/29/2012

1	Rates	Fringes
BRICKLAYER\$	29.02	22.04
CARPENTER\$	30.37	17.40
CEMENT MASON/CONCRETE FINISHER\$	32.78	16.80
ELECTRICIAN Electrician\$ Ground Person\$ Lineman\$ Wiring System Installer\$ Wiring System Technician\$	24.99 37.30 22.46	19.37 12.37 16.00 8.65 10.61
IRONWORKER\$	29.24	21.20
LABORER Blaster	26.14 26.14 17.49 26.14	15.33 15.33 15.33 12.04 15.33
MILLWRIGHT\$	20.00	
PAINTER (Including Pavement Marking)\$	27.81	14.69
PILEDRIVERMAN\$	30.42	17.35
POWER EQUIPMENT OPERATOR: GROUP 2	31.42 31.12	16.70 16.70 16.70 16.70

GROUP 6\$	26.87	16.70
Speciality Equipment		
Articulated Hauler\$	31.12	16.70
Boom Truck\$	31.12	16.70
Off-Road Truck\$	31.12	16.70
OPERATING ENGINEER CLASSIFICATIO	NS	

GROUP 2: Helicopter Pilot; Concrete Pump; Cranes over 135 ft boom excluding jib; Dragline, Crawler, Hydraulic Backhoe and other similar equpment with shovel-type controls including attachments 3 cu yd & over; Grader or Motor Patrol; Pile Driving

GROUP 3: Asphalt Bituminous Stabilizer Plant; Cableway; Concrete Mixer, Stationary Plant; Derrick (guy or stiff leg) (power) (skids or stationary); Dragline, Crawler, Hydraulic Backhoe and other similar equpment with shovel-type controls including attachments up to 3 cu yd; Dredge or Engineers Dredge (Power); Front end loader 5 cu yd & over including attachments; Locomotive Crane Operator; Mixer (paving) concrete paving, Road Mole including Mucking operations, Conway or similar type; Mechanic, Welder; Tractor, Boom type. Tandem Scraper; Truck Crane, Crawler Crane; Tugboat 100 H.P. & over.

GROUP 4: Air Track Rock Drill; Automatic Road Machine CMI or similar; Backfiller; Concrete Batch Plant; Bituminous Roller Rubber Tire or Steel Drum 8 tons & over; Bituminous Spreader & Finishing Machine (power), including pavers, Macro Surfacing & Micro Surfacing or similar types (Operator & Screed person); Brokk or RTC remote control or similar type with attachments; Cat Challenger Tractor or similar types pulling Rock Wagons; Bulldozer & Scraper; Chip Harvester & Tree Cutter; Concrete Distributor & Spreader Finishing Machine, Longitudinal Float, Joint Machine, Spray Machine; Concrete Mixer on jobsite; Concrete Mixer; Crusing Plant (gravel, stone) or Gravel Washing, Crushing & Screening Plant; Curb Machine; Directional Boring Machine; Drill Rigs, Heavy Rotary or Churn or Cable Drill; Dual Tractor; Elevating Grader; Fork Lift; Front End, Skid Steer 1 to 5 cu yd; GPS Remote Operating of equpment; Hoist Engineer (power); Hydraulic Tree Planter; Locomotive; Milling, Grinding, Planing, Fine Grade, or Trimmer Machine; Multiple Machines such as Air Compressors, Welding Machines, Generators, Pumps; Pavement Breaker or Tamping Machine, Mighty Mite or similar type; Pickup Sweeper 1 cu yd & over hopper capacity; Horizontal Boring Machine power actuated over 6 inches; Pugmill; Pumpcrete; Rubber Tired Farm Tractor with Backhoe attachment; Scraper; Self-Propelled Soil Stabilizer; Slip Form (power driven) paving; Tractor, Bulldozer; Wheel type Tractor over 50 hp with PTO; Trenching Machine excludes walk behind Trencher; Tub Grinder, Morbark or similar type; Well Point installation or Dismantling.

GROUP 5: Air Compressor 600 cfm or over; Bituminous Roller under 8 tons; Concrete Saw multiple blade; Form Tench Digger (power); Front End Skid Steer up to 1 cu yd; Guniate, Gunall; Hydraulic Log Splitter; Loader, Barber Greene or similar; Post

Hole Driving Machine/Post Hole Auger; Power Actuated Auger & Boring Machine; Power Actuated Jack; Pump; Self-Propelled Chip Spreader (Flaherty or similar); Sheep Foot Compactor with blade 200 hp & over; Shouldering Machine (Power) APSCO or similar type including self-propelled Sand and Chip Spreader; Stump Chipper and Tree Chipper; Tree Farmer (Machine).

GROUP 6: Cat, Challenger or siliar tractor when pulling Disk or Roller; Conveyor; Dredge Deck Hand; Fire Person or Tank Car Heater; Gravel Screening Plant (portable, not crushing or washing); Greaser (tractor); Lever Person; Oiler (Power Shovel, Truck Crane, Dragline, Crusher and Milling Mazchine; Power Sweeper; Sheep Foot Roller & Rollers on Gravel Compaction including vibrating rollers; Wheel type Tractor over 50 hp.

TRUCK DRIVER

GRO	OUP 1	 \$	27.10	13.65
GRO	OUP 2	 \$	26.55	13.65
GRO	OUP 3	 \$	26.45	13.65
GRO	OUP 4	Ś	26 20	13 65

TRUCK DRIVER CLASSIFICATIONS:

GROUP 1: Mechanic, Welder; Tractor Trailer; Truck hauling machinery including operation of hand and power operated winches.

GROUP 2: Four or more axle unit straight body truck.

GROUP 3: Bituminouos Distributor driver; Bituminous Distributor (one person operation); Three Axle units.

GROUP 4: Bituminous Distributor Spray operator (rear and oiler); Dump Person; Greaser; Pilot Car; Rubber Tire self-propelled Packer under 8 tons; Two Axle unit; Slurry Operator; Tank Truck Tender (gas, road oil, water); Tractor under 50 hp.

Tunnel	Miner	 \$	26.84	15.33

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the

cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

WAGE DETERMINATION APPEALS PROCESS

- 1.) Has there been an initial decision in the matter? This can be:
- * an existing published wage determination
- * a survey underlying a wage determination

- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations Wage and Hour Division U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.



REQUEST FOR BID
DATE 6/17/2014
BID # 14-0428

RETURN BY BID OPENING TIME TO:

PURCHASING DIVISION 100 CITY HALL Duluth, MN 55802 Dennis Sears

PHONE: 218-730-5340 FAX: 218-730-5921

2014 East Skyline Parkway Storm Sewer Improvements

BID OPENING DATE AT 2:00 P.M. ON Wednesday, July 2, 2014

Note: all bids must be written, signed and transmitted in a sealed envelope, plainly marked with the bid number, subject matter, and opening date. The City of Duluth reserves the right to split award where there is a substantial savings to the City, waisve informalities and to reject any and all bids. Bidder should state in proposal if bid price is based on acceptance of total order. Sales tax is not to be included in the unit price. Bidder to state freight chargers if the proposal F.O.B. is shipping point, freight not allowed. Low bid will not be the only consideration for award of bid. All pages shall be signed or initialed by authorized bidder's representative as indicated at the bottom of the page(s) of the request for bid form.

RETURN BID IN DUPLICATE WITH DUPLICATE DESCRIPTIVE LITERATURE FOR BID RESULTS, ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE WITH BID

BID DEPOSIT REQUIREMENTS: 5% OF BID AMOUNT
Deposit shall mean cash, cashier's check or corporate surety bond payable to
or in favor of the City of Duluth.

A PERFORMANCE BOND AND A PAYMENT BOND shall be required of the successful bidder, BOTH in the full amount of the bid.

INSUREANCE CERTIFICATE required per attached requirements.

Designated F.O.B. F	Point:		
Engineering Divisio	on Tax:		Federal Excise Tax Exemption
Jobsite(s)			Account No. 41-74-0056 K
Vendor Email Addres	<u> </u>		FREIGHT CHARGE \$
NAME:			TOTAL BID PRICE #
ADDR1:			TO INCLUDE ANY ADDITIONAL PAGES.
ADDR2:			
ADDR3:			
BY:			PAYMENT TERMS \$
(Print)		(Title)	F.O.B. POINT \$
			DELIVERY DATE \$
(Signature)		(Tele. #)	

The City of Duluth is an Equal Opportunity Employer.

CITY OF DULUTH

DATE: BID #: 6/17/2014 14-0428

2014 East Skyline Parkway Storm Sewer Improvements

City Project No. 1371 Bid No. 14-0428

Item	Spec.	Qty	U/OM	ke all extensions and total Item		Unit	Tota
No.	#	~-1	-,	Description		Price	Pric
001		1	Each	Exhibit A (Must Be	\$		\$
				Returned With The Bid)			
						TOTAL	\$
		AD	DENDUM REC	EIPT ACKNOWLEDGEMENTS:			
		AD	DENDUM NO.	, DATED			
		AD	DENDUM NO.	, DATED			
		AD	DENDUM NO.	, DATED	······································		
		TO	TAL BID IN	WORDS:			
		-					
		CO	NTRACTOR N	AME:			
		₫ .	*				
		TH	E CONTRACT	OR AGREES TO ALL OF THE			
		PR	OVISIONS C	ONTAINED IN THE CONTRACT			
		DO	CUMENTS.	ENCLOSED HEREWITH FIND A			
		CE	RTIFIED CH	ECK OR BID BOND IN THE			
		AM	OUNT OF AT	LEAST 5% OF THE AMOUNT OF			
		PR	OPOSAL MADI	E PAYABLE TO THE CITY OF			
		DU	LUTH AS A	PROPOSAL GUARANTEE WHICH IT			

(see additional page(s))

(Initial)

CITY OF DULUTH

DATE:

6/17/2014 14-0428

BID #:

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF

A.D.,

NOTARY PUBLIC

IMPORTANT NOTE BIDDERS: PLEASE DISREGARD THE NOTE ON PAGE 1 REGARDING SALES TAX FOR THIS BID. ALL APPLICABLE SALES AND/OR USE TAXES ARE TO BE INCLUDED IN BID PRICING. ALSO, ALL BIDS ARE TO BE F.O.B. JOBSITE. THE BLANK ON PAGE ONE FOR FREIGHT IS TO TO BE LEFT BLANK.

Delivery Contact: Tom Pfeffer

Engineering 218-730-5104

(Initial)

BID No. 14-0428 / City Project No. 1371 2014 East Skyline Parkway Storm Sewer Improvements

EXHIBIT A Schedule of Prices

	Description	Unit	Est. Ofv	Unit Price	Total Drice
MOBILIZATION		۲3	1.00		
CLEARING & GRUBING		1.5	1.00		
REMOVE BITUMINOUS PAVEMENT	IENT	SΥ	213		Ti
REMOVE PIPE SEWER		LF	251		
SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	VT (FULL DEPTH)	LF	40		
SELECT GRANULAR BORROW MOD 7% (CV)	D 7% (CV) (P)	CΥ	35		
DITCHING		F -	205		
AGGREGATE BASE (CV) CLASS 5		Cγ	39		
GRANULAR BACKFILL (CV)		CΛ	77		
12" RCP PIPE APRON		EACH	1		
15" RCP PIPE APRON		ЕАСН	1		
30" RCP PIPE APRON		EACH	1		
12" CS PIPE CULVERT		LF	09		
12" RCP PIPE SEWER, DESIGN 3006 CLASS V	ASS V	LF	38		
15" RCP PIPE SEWER, DESIGN 3006 CLASS V	LASS V	LF	37		
30" RCP PIPE SEWER, DESIGN 3006 CLASS V	LASS V	LF	110		
RECONSTRUCT DRAINAGE STRUCTURE	RE	EACH	1		
RANDOM RIPRAP CLASS III		CY	20		
TRAFFIC CONTROL		- LS	1.00		
FERTILIZER, TYPE 1		LB	20		
COMMON TOPSOIL BORROW		CY	28		
EROSION CONTROL BLANKET CATEGORY 3	GORY 3	SY	252		
SEEDING		ACRE	0.05		
SEED MIXTURE 36-311		R)	7		

TOTAL:

AFFIDAVIT AND INFORMATION REQUIRED OF BIDDERS

Affidavit of Non-Collusion:

I hereby swear (or affirm) under penalty of perjury:

- 1) That I am the bidder (if the bidder is an individual), a partner in the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the bidder is a corporation);
- 2) That the attached bid or bids have been arrived at by the bidder independently and have been submitted without collusion with and without agreement, understanding, or planned common course of action with any other vendor or materials, supplied, equipment or services described in the invitation to bid, designed to limit independent bidding or competition;
- That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids and will not be communicated to any such person prior to the official opening of the bid or bids; and
- 4) That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signed:
Firm Name:
Subscribed and sworn to me before this day of,,
NOTARY PUBLIC
My commission expires:
Bidder's E.I. Number(Number used on employer's quarterly Federal Tax return)

EQUAL EMPLOYMENT OPPORTUNITY (EEO) AFFIRMATIVE ACTION POLICY STATEMENT & COMPLIANCE CERTIFICATE

TC	City of Duluth, Minnesota PROJECT NUMBER & DESCRIPTION
FR	OM:
	(FIRM's name, address, telephone number)
A)	Employment: It is the policy of the above named FIRM to afford equal opportunity for employment to all individuals regardless of race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance and/or disability. The FIRM will take affirmative action to ensure that we will: (1) recruit, hire, and promote all job classifications without regard to race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public

assistance, and/or disability, except where sex is a bona fide occupational qualification; (2) base decisions on employment so as to further the principle of equal employment opportunity; (3) ensure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; (4) ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, FIRM sponsored training, education tuition assistance, social and recreational programs will be administered without regard to race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance, and/or disability. The FIRM also intends full compliance with Veteran affirmative action requirements. Additionally, minority and female employees shall be encouraged to participate in all FIRM activities

Supervisors have been made to understand that their work performance is being evaluated on the basis of their equal opportunity efforts and results, as well as other criteria. It shall be the responsibility of the FIRM and its supervisors to take actions to prevent harassment of employees placed through affirmative action efforts.

- B) Reports: Unless exempted by law and regulation, the FIRM shall make available and file those reports related to equal opportunity as may be required by the City of Duluth and State and Federal compliance agencies. Requirements and Reports are defined in 41CFR60 "Compliance Responsibility for Equal Opportunity" published by the U. S. Department of Labor which is incorporated herein by reference. Additional requirements are defined in various State and Federal Civil Rights Legislation and Rules promulgated thereunder.
- C) Nonsegregated Facilities: The FIRM certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The FIRM certifies that it will not maintain or provide for its employees any segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The FIRM agrees that a breach of this

and refer applicants.

certification is a violation of the Equal Opportunity Clause in this certificate. As used in this Certification, the term "segregated facilities" means any waiting rooms, work area, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation for entertainment area, transportation, and housing facilities provided for employees which are segregated by explicit directive or are, in fact, segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise.

- D) Affirmative Action Compliance Program: Unless exempted by regulation and law, the FIRM-if the FIRM has 50 or more employees and if the value of current contracts with the City of Duluth exceeds \$50,000-shall prepare and maintain a written affirmative action compliance program that meets the requirement as set forth in 41CFR60.
- **E)** Non-Compliance: The FIRM certifies that it is not currently in receipt of any outstanding letters of deficiencies, show cause, probable cause, or other such notification of non-compliance with EEO Laws and Regulations.
- F) Employment Goals "Construction" Projects: It shall be the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the on-site workforce will be minority employees and that no less than 7% of the on-site workforce will be female employees. Further, it is the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the work hours generated shall be worked by minority employees and that no less than 7% of the work hours generated shall be worked by female employees.
- **G) Subcontractors:** The FIRM will for all its PROJECT subcontractors regardless of tier (unless exempted by law and regulation) that received in excess of \$2,500 require that: (1) the subcontractor shall execute an "EEO Statement and Certification" similar in nature to this "Statement and Certification", (2) said documentation to be maintained on file with the FIRM or subcontractor as may be appropriate.

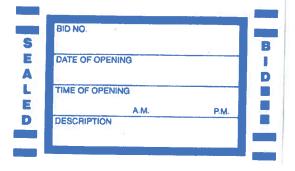
xecuted this day of	, 20 by:	
Printed name and title		
Signature		

NOTE: In addition to the various remedies prescribed for violation of Equal Opportunity Laws, the penalty for false statements is prescribed in 18 U.S.C. 1001.

NOTICE TO BIDDER

- On the envelope submitting your bld. is Is Importative

 1. That your name and address appear in the UPPER left corner.
- 2. That the bottom portion of this label be filled in and pasted on the LOWER left corner.



City of Duluth Purchasing Division **General Specifications**

The word "City" used in these specifications shall mean the city of Duluth and/or it Authorities.

Instruction to Bidders:

A.All bids must be completed in a non-erasable format on the form provided by city of Duluth, errors are to be cross ed out and initialed.

B.All bids must be enclosed in a seal ed envelope. C.The enclosed blue and white sticker must be placed on the outside of envelope.

D.The bid envelope shall be addressed to the city of Duluth, Purchasing Divi sion, Room 100 City Hall, Duluth, Minnesota 55802.

Non-Collusion Clause:

Vendor, their agent/employ ee hereby agree to comply and fully perform in accordance with the law and state that they have not, directly or indirectly. entered into an agreement or understanding, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the proposal submitted with respect to the above-referenced invitation to bid. Vendor fully acknowledges that such an act of non-compliance may be deem ed unlawful and would be considered a violation of the law and subject to prosecution.

 Award of Contract - Rejection of Bids:
The Contract will be award ed to the responsible bidder submitting the lowest bid complying with the conditions of the Invitation for bids. The bidders, to whom the award is made, will be notified at the earliest possible date. The city of Duluth, however, re serves the right to reject any and all bids and to waive any informality in bids received whenever such rejection or waiver is in its interest.

Obligation of Bidder:

At the time of the opening of bids, each bidder will be presumed to have read and to be thoroughly familiar with the plans, specifications and contract documents (including all ad denda). The failure or omis sion of any bidder to examine any form, instrument, or document shall in no way relieve any bidder from any obligation in respect to their bid.

6. Liquidated Damages for Failure to Enter into Contract:

The successful bidder, upon their failure or refusal to accept a purchase order or execute and deliver the contract and bonds re quired within 10 days after receipt of a notice of the acceptance of their bid, shall forfelt to the city, as liquidated damages for such failure or refusal, the security deposited with their bid (if required).

Completion of Bid Request: The city may consider as irregular any bid on which there is an alteration of or departure from the Bid Form hereto attached an at its option may reject the same.

E.E.O. Regulations:

Contractor will be required to comply with all applicable Equal Employment Opportunity (E.E.O.) laws and regulations. Affirmative action must be taken to insure that the employees and applicants for employment are not discriminated against because of their race, color, creed, sex or national origin.

Participation:

FORM 17:01/28/94 Revised: 08/28/02 This document is intended to serve the city of Duluth, its Agents and Authorities. Each authority may Issue their own purchase order and will be responsible for it. The City of Duluth Authorities are bidders to inform themselves as to local labor as follows:

1. Duluth Airport Authority

2. Spirit Mountain Recreational Area Authority

3. Duluth Entertainment and Convention Center

4. Duluth Transit Authority

5. Duluth Economic Development Authority

6. Duluth Housing and Redevelopment Authority

The city has a cooperative purchasing agreement with St. Louis county allowing the county to purchase from this bid when re quested. St. Louis county will issue and be responsible for its own purchase orders.

Qualifications of Bidder

The city may make such investigations as deemed necessary to determine the ability of the bidder to perform the work, and the bidder shall furnish to the city all such information and data for this purpose as the city may request. The city reserves the right to reject any bid if the evi dence submitted by or investigation of, such bidder fails to satisfy the city that such bidder is property qualified to carry out the obligations of the contract and to complete the work contemplated therein. Con ditional bids will not be accepted.

Addenda and Interpretations

Responses to general ques tions and clarifications of bids may be made at the discretion of the city. However, no interpretation of the meaning of the specifications or other pre-bid documents will be made to any bidder orally.

Every request for such interpretation should be in writing and delivered or sent by facsimile to the city purchasing agent or the buyer shown on the bid request, Duluth, Minnesota 55802, and to be given consideration must be recembtived at least five days prior to the date fixed for the opening of bids.

Award of Contract - Rejection of Bids: In determining the suc cessful bidder, there will be considered in addition to price (per Ordinance 7050

A. The ability, capacity and skill of the bidder to perform the contract.

B.The character, integrity, reputation, judgement, experience and efficiency of the bidder.

C.The quality of performance of previous contract. D.The sufficiency of the financial re sources, equipment available and ability of the bidder to perform the contract.

Quantities:

The city reserves the right to increase or decrease the quantities of items on this bid as required. Any exception to this provision must be noted by the vendor in its bid or proposal.

14. <u>Wages and Salaries</u>:

A.Attention of bidders is particularly called to the requirements concerning the payment of not less than the prevailing wage and salary rates specified in the contract documents and the conditions of employment with respect to certain categories and classifications of employees for all "Public Works" The city of Duluth is an equal opportunity employer. type projects estimated to exceed \$2,000.

B.The rates of up set forth under General Conditions are the minimums to be paid during the life of the contract. It is therefore the re sponsibility of conditions, such as the length of work day and work week, overtime compensa tions, health and welfare contributions, labor supply, and prospective changes or adjustments of rates.

15 Validity of Bids:

All bids shall be valid for 60 days from the date of bid opening, unless an other period is noted in bid documents or if an extension is agreed upon, in writ ing prior to the end of the 60 day period.

Facsimile Bids:

Facsimile bids are acceptable if: bids are received at the designated facsimile number prior to the scheduled bid opening and an original copy of the bid, identical to the "faxed" bid, is received within 48 hours of the bid opening. Facsimile bid deposits are not acceptable. The city shall endeavor to keep bids confidential, but will accept no responsibility for the confidentiality of facsimile bids. All bids or proposals returned by facsimile are understood to incorporate these general specifications.

Insurance:

All vendors doing work on city property, except vendors making routine deliveries, shall submit an insurance certificate indicating insurance coverage as per current city requirements.

18. Website:

ci.duluth.mn.us/city/service/purchasing/index.htm